

ASSEMBLY BILL

No. 2452

Introduced by Assembly Member Ammiano

February 24, 2012

An act to add Section 84615 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2452, as introduced, Ammiano. Political Reform Act of 1974: online disclosure.

The Political Reform Act of 1974 requires specified candidates, committees, slate mailer organizations, and lobbyists, lobbying firms, and lobbyist employers to file campaign statements and reports online or electronically with the Secretary of State, as specified. The act requires certain of these entities to also file campaign statements and reports with local filing officers, as specified.

This bill would authorize a local government agency to require an elected officer, candidate, committee, or other person required to file specified statements, reports, or other documents to file those statements, reports, or other documents online or electronically with a local filing officer. The bill would prescribe criteria that must be satisfied by a local government agency that requires online or electronic filing of statements, reports, or other documents, as specified, including, among others, that the system be available free of charge to filers and to the public for viewing filings, and that the system include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes

upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84615 is added to the Government Code,
2 to read:

3 84615. A local government agency may require an elected
4 officer, candidate, committee, or other person required to file
5 statements, reports, or other documents required by Chapter 4
6 (commencing with Section 84100) to file those statements, reports,
7 or other documents online or electronically with a local filing
8 officer. A local government agency that requires online or
9 electronic filing pursuant to this section shall comply with all of
10 the following:

11 (a) The legislative body for the local government agency shall
12 adopt an ordinance approving the use of online or electronic filing,
13 which shall include a legislative finding that the online or electronic
14 filing system will operate securely and effectively and would not
15 unduly burden filers. The ordinance adopted by the legislative
16 body for the local government agency may, at the discretion of
17 that legislative body, specify that the electronic or online filing
18 requirements apply only to specifically identified types of filings
19 or are triggered only by identified monetary thresholds.

20 (b) The online or electronic filing system shall only accept a
21 filing in the standardized record format that is developed by the
22 Secretary of State pursuant to paragraph (2) of subdivision (a) of
23 Section 84602 and that is compatible with the Secretary of State's
24 system for receiving an online or electronic filing.

25 (c) The online or electronic filing system shall ensure the
26 integrity of the data transmitted and shall include safeguards against
27 efforts to tamper with, manipulate, alter, or subvert the date.

28 (d) The date of filing for a statement, report, or other document
29 that is filed online or electronically shall be the day that it is
30 received by the local filing officer.

31 (e) The local filing officer shall make all the data filed available
32 on the Internet in an easily understood format that provides the

1 greatest public access. The data shall be made available free of
2 charge and as soon as possible after receipt. The data made
3 available on the Internet shall not contain the street name and
4 building number of the persons or entity representatives listed on
5 the electronically filed forms or any bank account number required
6 to be disclosed by the filer.

7 (f) The online or electronic filing system shall include a
8 procedure for filers to comply with the requirement that they sign
9 statements and reports under penalty of perjury pursuant to Section
10 81004.

11 (g) The local government agency shall enable filers to submit
12 filings free of charge.

13 (h) The local filing officer shall maintain, for a period of 10
14 years commencing from the date filed, a secured, official version
15 of each online or electronic statement, report, or other document
16 filed pursuant to this section, which shall serve as the official
17 version of that record for purpose of audits and any other legal
18 purpose.

19 (i) Notwithstanding any other provision of law, any statement,
20 report, or other document filed online or electronically pursuant
21 to this section shall not be required to be filed with the local filing
22 officer in paper format.

23 SEC. 2. The Legislature finds and declares that this bill furthers
24 the purposes of the Political Reform Act of 1974 within the
25 meaning of subdivision (a) of Section 81012 of the Government
26 Code.